



Grace E. Schmidt  
gschmidt@dtolaw.com

September 26, 2024

**VIA ECF**

The Honorable Kenneth M. Karas  
United States District Court  
300 Quarropas St.  
White Plains, NY 10601

**Re: *Lotz v. Onnit Labs, Inc.*, No. 7:24-cv-03098-KMK**

Dear Judge Karas:

The Parties respectfully submit this joint status letter pursuant to the September 19, 2024, pre-motion conference and the Court's minute entry from the same day (ECF No. 24), in which the Court directed Defendant to inform the Court which arguments it intended to pursue in a motion to dismiss and for the Parties to propose a mutually agreeable briefing schedule.

On September 24, Defendant informed Plaintiff it intended to only move to dismiss over the GBL damages full refund issue (i.e., Section C of the pre-motion letter). On September 26, Plaintiff indicated that in lieu of opposing Defendant's motion to dismiss, Plaintiff would file a Second Amended Complaint to revise his theory of damages.

The Parties have agreed to the following pleading schedule:

- Plaintiff will file a Second Amended Complaint to revise his theory of damages by October 4, 2024.
- Defendant will file its Answer by November 1, 2024.

Under Fed. R. Civ. P. 15(a)(3), a response to the Second Amended Complaint would be due 14 days after service of the amended pleading. However, the Parties have stipulated to Defendant filing an answer by November 1, 2024. Pursuant to Your Honor's Individual Rules of Practice Section I.C., Defendant respectfully requests

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an extension to November 1, 2024, to file an answer. There have been no previous requests for an extension to file an answer to the anticipated Second Amended Complaint<sup>1</sup> and, as indicated, Plaintiff does not oppose this request.

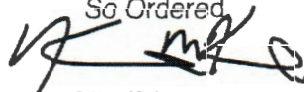
Very truly yours,



Grace E. Schmidt

Granted.

So Ordered



9/27/24

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<sup>1</sup> On May 13, Defendant requested an extension to respond to Plaintiff's original Complaint (ECF No. 10), which the Court granted that same day (ECF No. 11).